



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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FEBRUARY 24, 2014

Regular meeting of the City Council held on Monday, February 24, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy, and Landers. Meeting adjourned at 9:25 PM.

ORDERED: That the minutes of the City Council meeting FEBRUARY 10, 2014, **FILE**; adopted.

Councilor Delano recognized Boy Scout Troop 2 who were in attendance and are working on their Citizenship and Community Merit Badges.

ORDERED: That the **PUBLIC HEARING** On the Petition of NGRID and Verizon to relocate existing PC6 Laviolette Street 35' south towards the entrance to Lake Williams Condos. This will be used as a primary riser pole to feed a padmounted transformer. This is required to provide service to new building, all were heard who wish to be heard, hearing recessed at 8:04 PM.

Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.

ORDERED: On the Petition of NGRID and Verizon to relocate the following poles on West Hill Road: P12 (4' North), P15 (4' North), P18 (5' North), P27 (8' South), P28 (6' South), P31 (5' South), P30 (3.5' South) and installation of new Guy Stub Pole 12-84, all were heard who wish to be heard, hearing recessed at 8:12 PM.

Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Clancy & Landers.

Councilor Irish abstained.

ORDERED: On the Application for Special Permit from Bohler Engineering on behalf of VNG Co. to propose construction of a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and product piping at 413 Lakeside Avenue, all were heard who wish to be heard, hearing recessed at 8:45 PM.

Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.

ORDERED: That the DPW transfer requests totaling \$59,000.00 from and to various accounts as noted on the spreadsheets due to a noticeable increase in water main breaks, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	Department of Public Works				FISCAL YEAR:	2014			
	FROM ACCOUNT:					TO ACCOUNT:			
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$7,000	60080001	50580	Assistant Chemist	\$7,000	61090006	55710	Water Maintenance	\$8,316	
Reason:	Money available due to previous vacancy				Higher than normal water main breaks				
\$9,000	60081001	50850	Sewage Tr Plt Opera	\$9,000	61090006	54620	Maintenance/Trenches	\$0	
Reason:	Money available due to retirement				Funds needed to perform roadway repairs associated with emergency leaks/breaks				
\$9,000	60081001	50850	Sewage Tr Plt Opera	\$9,000	61090006	54620	Maintenance/Trenches	\$0	
Reason:	Money available due to W.C.				Funds needed to perform roadway repairs associated with emergency leaks/breaks				
\$7,000	60085001	50850	Sewage Tr Plt Opera	\$7,000	61090006	55750	Water Service Const.	\$5,340	
Reason:	Money available due to W.C.				Anticipated funds needed to cover materials for breaks				
\$10,000	60085001	50850	Sewage Tr Plt Opera	\$10,000	61090003	51310	Water Overtime	\$51,446	
Reason:	Money available due to W.C.				Higher than anticipated system repairs				
\$42,000	Total			\$42,000	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
	FROM ACCOUNT:					TO ACCOUNT:			
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$5,000	14001303	50740	Equipment Operators	\$5,000	14001305	55310	Highway Constr Mate	\$8,076	
Reason:	Money available due to retirement				Funds needed to perform roadway repairs associated with emergency leaks/breaks				
\$12,000	14001303	50740	Equipment Operators	\$12,000	14001304	53140	Contract Services	\$4,666	
Reason:	Money available due to retirement				Anticipated cost to cover the removal/disposal of material collected from spring time sweeping program				
\$17,000	Total			\$17,000	Total				

ORDERED: That the Fire Department transfer request in the amount of \$30,000.00 which moves funds from Educational and EMT to Contract Services for the purpose of utilizing an outside consulting firm to review policies, procedures, and overall operations of the Fire Department, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Fire Department				FISCAL YEAR:		2014		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$79,265.98	\$15,000.00	12200003	51440	Educational	\$30,000.00	12200003	53140	Contract Services	\$0.00	
	Reason:	Fewer than expected obtained college credits and unfilled positions				For review of departmental policies, procedures, etc				
\$56,605.25	\$15,000.00	12200003	51480	EMT						
	Reason:	Fewer than expected certified as EMTs and unfilled positions								
	\$30,000.00	Total			\$30,000.00	Total				

MOTION made by Councilor Ossing to remove following Order No. 14-1005686 from Finance Committee to be acted upon as follows, APPROVED.

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures in excess of available appropriation up to \$1,250,000 for snow and ice removal for fiscal year 2014, **DENIED**; adopted.

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures in excess of available appropriation up to \$1,500,000 for snow and ice removal for fiscal year 2014, **APPROVED**; adopted.

ORDERED: That the Conservation Commission Appointments for the following with noted expiration terms:

Alan White, March 6, 2017, Lawrence Roy, March 7, 2016, Edward Clancy, March 6, 2017, John Skarin, March 7, 2016, David Williams, March 2, 2015 and Dennis Demers, March 2, 2015, refer to **PERSONNEL COMMITTEE**; adopted.

Councilor Clancy abstained

ORDERED: That the Application for Taxi License, Solomon Senteza, d/b/a Marlborough Taxi, 54B Charlesbank Way, Waltham, MA 02453, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

Note: Applicant stated that his business address is his residence in Waltham.

ORDERED: Application for Taxi License, Frank Sengabi, d/b/a Time Saver Transport, 900 Main St., Waltham, MA 02451, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

Note: Applicant stated that his business address is in Waltham.

ORDERED: That the Minutes, Conservation Commission, August 18, 2011, May 17, June 7, & June 21, 2012, February 7, March 7, March 21, April 4, April 25, May 9, May 23, June 6, July 1, July 18, August 22, September 5, September 19, October 3, October 17, November 7, November 21 and December 5, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Recreation Commission, October 9, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, January 27, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Marlborough Community Development Authority, November 21, and December 19, 2013, **FILE**; adopted.

ORDERED: That the Communication from Hanover Insurance Group, on behalf of Kathleen Blaisdell, 162 Kings Grant Rd., refer to **LEGAL DEPARTMENT**; adopted.

ORDERED: That the Communication from Hanover Insurance Group, on behalf of Allan Black, 40 Bowstring Way, refer to **LEGAL DEPARTMENT**; adopted.

ORDERED: That the Communication from Amica Mutual Insurance Company, on behalf of Louise Elias, 79 Deerfield Run, Unit 79, refer to **LEGAL DEPARTMENT**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

- A. Brad Leonard, 176 Beach St., other property damage
- B. Daniel Donovan, 12 Fair St., other property damage
- C. Alton Bradshaw, Jr., 66 Farrington Lane, residential mailbox claim 2(b)
- D. Axel Knaf, 502 Williams St., pothole or other road defect

Reports of Committees:

Councilor Tunnera reported the following out of the Personnel Committee:

Members Present: Chairman Tunnera; Councilors Irish and Elder

Meeting Convened: 6:15PM

Order No. 14-1005667 - Appointment of Thomas Abel to the Library Board of Trustees for a three year term to expire on February 6, 2017 replacing Jean Peters whose term expires on February, 3rd 2014. We also had the Reappointments of Ray Hale for two years to expire on February 6, 2016, Raymond Johnson for three years to expire on February 6th 2017, Susan Laufer for three years to expire on February 6, 2017. [**Note: Susan Laufer remains in committee; not present for Personnel Committee meeting**]. Robyn Ripley for 2 years to expire on Feb 1st 2016 and Janice Merk for a one year term to expire on February 2, 2015.

Councilor Elder made a motion to approve, it was seconded by the chair.

The order passed with a 3-0 vote.

Order No. 14-1005666 - Reappointment of Linda Clark to the Board of Registrar of Voters for a three term to begin on April 1 2014.

Councilor Elder made a motion to approve, it was seconded by the chair.

The order passed with a 3-0 vote.

Suspension of the Rules requested – granted

ORDERED: That the Appointment of John Ghiloni as DPW Commissioner for term of five years effective March 10, 2014, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED:

WHEREAS, the deferred operation of this ordinance would tend to defeat its purpose, which is to make effective as soon as possible the provisions thereof, therefore, it is hereby declared to be an Emergency Ordinance necessary to the health and safety of the people or their property.

THEREFORE, be it voted by the City Council of the City of Marlborough that the foregoing be declared an emergency measure as provided in Section 20 of the Charter of the City of Marlborough.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

Suspension of the Rules requested – granted

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 468, ENTITLED “PEDDLING AND SOLICITING” AS FOLLOWS:

Chapter 468 is hereby amended by inserting a new Article IV, entitled “Solicitation By Use Of Collection Boxes,” and by inserting a new Section 468-35, entitled “Definitions,” a new Section 468-36 entitled “Purpose,” and a new Section 468-37 entitled “Temporary Moratorium,” as follows:

Article IV.**Solicitation By Use Of Collection Boxes****§ 468-35. Definitions.**

“RECYCLABLES OR RECYCLABLE GOODS” includes but is not limited to clothing, shoes, apparel, books, magazines, household furnishings, mattresses, and appliances.

“COLLECTION BOX” means containers designed and intended to collect and receive recyclable goods from more than one source including the public.

§ 468-36. Purpose

A. The City has experienced a proliferation in the placement and location of collection boxes designated or intended to be used for the collection of used clothing and other recyclable goods. The City finds and recognizes that these collection boxes are regularly placed and located upon private and public property throughout the City.

- B. In addition, the City further finds that many of these collection boxes are not adequately maintained and supervised, clothing and other goods are not regularly removed, collection boxes are regularly placed on land without the permission of landowners, waste and garbage accumulates within and about the collection boxes, areas surrounding the collection boxes are not kept in clean and sanitary condition, and the collection boxes are detrimental to business and the economic vitality of the City and to the health, safety and welfare of the residents of the City.
- C. The City intends to adopt a temporary moratorium on the placement and location of collection boxes so as to allow the City sufficient time to engage in the drafting and enactment of an ordinance which will regulate collection boxes.

§ 468-37 Temporary Moratorium

- A. For the reasons set forth above, the City hereby adopts a six-month moratorium, commencing on February 24, 2014, which prohibits the placement and location of collection boxes on private and public property within the City during said six-month period. During the moratorium period, the City will study the issue of collection boxes in order to enact an ordinance regulating said collection boxes. The six-month moratorium shall not apply to collection boxes already placed and located within the City of Marlborough, and accessible by the public, as of February 24, 2014.
- B. This order shall take effect upon its passage.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

ORDERED: That the review of first responders being equipped with Naloxone "Narcan" to assist in life saving measures related to heroin overdoses, refer to **HUMAN SERVICES COMMITTEE**; adopted.

ORDERED: That the DPW transfer requests for various amounts to fund line items associated with interim/temporary promotions due to absences and vacancies, police overtime for details associated with water and sewer maintenance and repair, and overtime incurred from water main breaks, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2014		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$4,800.00	\$1,200	14001103	51440	Educational Incentive	\$1,200	14001103	51240	Temporary Part Time Help	\$2,345	
Reason:		Surplus in account				Bring back last summer's college student during winter & spring breaks to conclude project				
\$4,800.00	\$1,500	14001103	51440	Educational Incentive	\$1,500	14001103	51310	Overtime - Regular	\$192	
Reason:		Surplus in account				Overtime associated with the spring/summer construction season				
\$422,363.00	\$600	14001303	50740	Equipment Operators (St's.)	\$600	14001303	51470	Interim Foreman	\$3,066	
Reason:		Surplus due to worker's comp. injury				Higher than anticipated system repairs/storm event cost				
\$404,901.00	\$2,000	14001503	50740	Equipment Operators (F/P/C)	\$2,000	14001506	54630	Tree Planting	\$2,417	
Reason:		Surplus due to worker's comp. injury				Various locations throughout city				
\$152,098.00	\$5,000	60085001	50850	Sewer Tr. Plant Oper.	\$5,000	61090006	54620	Maintenance-Trenches	\$15	
Reason:		Surplus due to worker's comp. injury				Additional funding needed for trench repairs due to water/sewer breaks				
\$10,300	Total				\$10,300	Total				
CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:						FISCAL YEAR:				
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$326,961.00	\$3,000	61090001	50740	Equipment Operator	\$3,000	61090003	51380	Overtime Water/Sewer	\$0	
Reason:		Surplus due to recent retirement				Funding needed for police overtime				
\$326,961.00	\$3,000	61090001	50740	Equipment Operator	\$3,000	60080003	51380	Overtime Water/Sewer	\$1,376	
Reason:		Surplus due to retirement				Funding needed for police overtime				

ORDERED: That the Communication from Tim Cummings, MEDC-Urban Land Institute (ULI TAP) Technical Assistance Program Final Report: Coordinating Action in Downtown Marlborough **FILE**; adopted.

ORDERED: That the Following Proposed Order to Revoke Acceptance of MGL Chapter 41, Section 100B, refer to **BACK TO THE MAYOR**.

Be it ordained by the City Council of the City of Marlborough that Order No. 12174, accepted on January 22, 1973 under the provisions of M.G.L. chapter 41, § 100B, which concerns indemnification of retired firefighters and police officers, is hereby revoked, and further, be it ordained by the City Council that the Code of the City of Marlborough, as amended, be further amended by deleting in its entirety Section 125-49, Retiree Indemnification Review Board.

ORDERED: That the 2014 City Council Rules, be and is herewith **APPROVED WITH THE FOLLOWING AMENDMENTS:**

Page 4, Rule 10, Line 4, Change “rule 12” to “rule 15”

Page 5, Rule 11, Line 1, Change “rule 12” to “rule 15”

Page 8, “Standing Committees and Rules”, Paragraph 6, Line 12, Change “Rule No.3” to “Rule No.6”.

Page 8, “Standing Committees and Rules”, Paragraph 6, Lines 5&6, Change “... he/she so indicates this by approving the report, with his/her signature...” to “...he/she indicates this by referring the matter back to the body with his/her written report..

Page 8, Change Rule #3 to Rule #6.

Page 9, Affordable Housing Committee can be removed from the rules.

Page 10, Delete ‘Annually’ at beginning of sentence after word Note and change ”year” to “session”. (Now shown as Page 9)

Page 3, Rule 3, Electronic Devices, The rule will stand as written. The public should be more aware to ask permission from the Council President to utilize their devices in silent mode in the upper gallery.

Note: Cover Page will amended to reflect new councilors:

Page 2, Change “Richard G. Jenkins” to “Robert Page”

Page 2, Change “Robert M. Seymour” to “John Irish”

All reference to 2012 shall be changed to 2014

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:25 PM.